



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,480	09/29/2004	Hiroshi Kakuda	450100-04912	5291

7590 01/06/2010
William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

01/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,480	Applicant(s) KAKUDA, HIROSHI	
	Examiner DANIEL TEKLE	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 21, 2009 have been fully considered but they are not persuasive. Applicant argues on page 8 of the remark as follows:

The Office Action implicitly asserts that the remote control of Terakado can control one or more of the home appliances 130 through home server 110 in an apparent effort to assert that Terakado anticipates Applicant's recitation of "[a] second information processing apparatus [that] is controlled, via the first information processing apparatus" Office Action at 2-3. Applicant respectfully disagrees with the Office Action's assertion.

Although remote control 120 of Terakado is in communication with both home server 110 and home appliances 130, Terakado is silent with respect to the remote control's ability to control home appliances 130 *via the home server 110*. In fact, Terakado repeatedly discloses a control link between remote control 120 and home appliances 130, without disclosure of such link being *through* the home server 110. See, e.g., Terakado at paragraphs [0039], [0041], [0042], [0046], among others. Indeed, Terakado is altogether silent with regard to remote control 120 controlling home appliances 130 *via the home server 110*.

Because Terakado fails to disclose at least, "[a] second information processing apparatus [that] is controlled, via the first information processing apparatus" as recited in Applicant's amended independent claim 7, the 35 U.S.C. § 102(b) rejection of independent claim 7 based on Terakado is improper and should be withdrawn.

In response the examiner respectfully disagrees. Terakado et al. discloses a remote control 120 establishing a connection with the data sever 100 and home appliance 130 (paragraph 0041 and 0044). The remote control 120 has the capability of controlling the server 110 and appliance 130. Paragraph 0045 discloses communication device includes TCP, IP, and RAW, which rearrange transmitted data in order of transmission and perform error correction and packet transfer (route control). The home appliance 130 receives an instruction from the remote control 120 and downloads the predetermined new function data from the home sever 110 (paragraph 0051). A two way connection to transmitted data between the server 110 and appliance 130; and server 110 transmitting the receive information from appliance 130 to remote control 120 (paragraph 0053). The summery of Terakado et al. invention comparing with claim 1 limitation, the remote control is primary devices have a control over the server 110 and appliance 130. Remote control 120 can instruct, send, and receive information to server 110 and appliance 120. As show above and the cited paragraph in order to establish a connection between the two devices must carry a registered address and in according that the remote control send and receive address information of different appliance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "computer-readable medium" can broadly interpret to include signal which is non-statutory subject matter.

"In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se."

In order to overcome this rejection examiner suggest replacing "computer-readable medium" with "non-transitory computer-readable medium"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Terakado et al. (US 2002/0059617).

Regarding Claim 7: Terakado et al. discloses a control apparatus configured to: detect a first information processing apparatus (**paragraph 0007**); request, from the first information processing apparatus, address information of a second information processing apparatus connected to the first information processing apparatus via a network (**paragraph 0039 and 0053**); receive the address information (**paragraph**

Art Unit: 2621

0041); register the received address information (**paragraph 0041**); control the first information processing apparatus and the second information processing apparatus (**paragraph 0041 and 0044**); acquire first operation screen information for displaying a first operation screen corresponding to the first information processing apparatus and second operation screen information for displaying a second operation screen corresponding to the second information processing apparatus (**paragraph 0043-0044**); and display first operation screen and second operation screen, wherein the control means, control the second information processing apparatus via the first information processing apparatus based on the address information (**paragraph 0043-0044**).

Regarding Claims 8-10: Claims 8-10 are rejected for the same subject matter as claim 7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621